



General Assembly

February Session, 2002

Amendment

LCO No. 4493

SB0058704493HD0

Offered by:

REP. DYSON, 94th Dist.

REP. DIAMANTIS, 79th Dist.

REP. MALONE, 47th Dist.

To: Senate Bill No. 587

File No. 458

Cal. No. 372

"AN ACT CONCERNING SPECIAL PAROLE."

1 After line 27, add the following:

2 "Sec. 2. Section 54-125a of the general statutes, as amended by
3 section 74 of public act 01-9 of the June special session, is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2002*):

5 (a) A person convicted of one or more crimes who is incarcerated on
6 or after October 1, 1990, who received a definite sentence or aggregate
7 sentence of more than two years, and who has been confined under
8 such sentence or sentences for not less than one-half of the aggregate
9 sentence or one-half of the most recent sentence imposed by the court,
10 whichever is greater, may be allowed to go at large on parole in the
11 discretion of the panel of the Board of Parole for the institution in
12 which the person is confined, if (1) it appears from all available
13 information, including any reports from the Commissioner of
14 Correction that the panel may require, that there is reasonable

15 probability that such inmate will live and remain at liberty without
16 violating the law, and (2) such release is not incompatible with the
17 welfare of society. At the discretion of the panel, and under the terms
18 and conditions as may be prescribed by the panel including requiring
19 the parolee to submit personal reports, the parolee shall be allowed to
20 return to the parolee's home or to reside in a residential community
21 center, or to go elsewhere. The parolee shall, while on parole, remain
22 in the legal custody and control of the board until the expiration of the
23 maximum term or terms for which the parolee was sentenced. Any
24 parolee released on the condition that the parolee reside in a
25 residential community center may be required to contribute to the cost
26 incidental to such residence. Each order of parole shall fix the limits of
27 the parolee's residence, which may be changed in the discretion of
28 such panel. Within three weeks after the commitment of each person
29 sentenced to more than one year, the state's attorney for the judicial
30 district shall send to the Board of Parole the record, if any, of such
31 person.

32 (b) (1) No person convicted of any of the following offenses, which
33 was committed on or after July 1, 1981, shall be eligible for parole
34 under subsection (a) of this section: Capital felony, as defined in
35 section 53a-54b, as amended, felony murder, as defined in section 53a-
36 54c, arson murder, as defined in section 53a-54d, murder, as defined in
37 section 53a-54a, or any offense committed with a firearm, as defined in
38 section 53a-3, as amended, in or on, or within one thousand five
39 hundred feet of, the real property comprising a public or private
40 elementary or secondary school. (2) A person convicted of an offense,
41 other than an offense specified in subdivision (1) of this subsection,
42 where the underlying facts and circumstances of the offense involve
43 the use, attempted use or threatened use of physical force against
44 another person shall be ineligible for parole under subsection (a) of
45 this section until such person has served not less than eighty-five per
46 cent of the definite sentence imposed.

47 (c) The Board of Parole shall, not later than July 1, 1996, adopt
48 regulations in accordance with chapter 54 to ensure that a person

49 convicted of an offense described in subdivision (2) of subsection (b) of
50 this section is not released on parole until such person has served
51 eighty-five per cent of the definite sentence imposed by the court. Such
52 regulations shall include guidelines and procedures for classifying a
53 person as a violent offender that are not limited to a consideration of
54 the elements of the offense or offenses for which such person was
55 convicted.

56 (d) Not later than January 15, 2002, the Board of Parole shall submit
57 a report to the Secretary of the Office of Policy and Management and,
58 in accordance with the provisions of section 11-4a, to the joint standing
59 committees of the General Assembly having cognizance of matters
60 relating to the Board of Parole, public safety and appropriations and
61 the budgets of state agencies setting forth the number of all persons
62 whose eligibility for parole release is subject to subsection (a) of this
63 section who, as of January 1, 2002, have completed seventy-five per
64 cent of their definite sentence and have not been approved for parole
65 release. Not later than February 15, 2002, and not later than the
66 fifteenth day of each month thereafter, the Board of Parole shall submit
67 a report to the Secretary of the Office of Policy and Management and,
68 in accordance with the provisions of section 11-4a, to the joint standing
69 committees of the General Assembly having cognizance of matters
70 relating to the Board of Parole, public safety and appropriations and
71 the budgets of state agencies setting forth the number of all such
72 persons who have completed seventy-five per cent of their definite
73 sentence in the preceding month and were not approved for parole
74 release.

75 (e) Notwithstanding the provisions of subsection (a) of this section,
76 any person whose eligibility for parole release is subject to said
77 subsection and who has not been released on parole by the board in its
78 discretion, shall be placed on parole supervision upon completion by
79 such person of seventy-five per cent of such person's definite sentence
80 unless: (1) Such person has been given a level five security or chronic
81 disciplinary status classification by the Department of Correction, (2)
82 such person is the subject of a class A disciplinary report by the

83 Department of Correction for assault on staff or another inmate, rioting
84 or escape during such person's period of incarceration, (3) such person
85 has a pending criminal charge for the alleged commission of a felony
86 during such person's period of incarceration, or (4) such person has
87 failed to cooperate in his or her own rehabilitation.

88 (f) The Board of Parole shall assess the suitability for parole release
89 of any person whose eligibility for parole release is subject to
90 subdivision (2) of subsection (b) of this section upon completion by
91 such person of eighty-five per cent of the definite sentence imposed.
92 The Board of Parole may allow such person to be released on parole if
93 (1) there is reasonable probability that such person will live and
94 remain at liberty without violating the law, and (2) the benefits to such
95 person and society that would result from such person's release to
96 community supervision and transition substantially outweighs the
97 benefits to such person and society that would result from such
98 person's continued confinement. If the board determines after such
99 assessment that the continued confinement of such person is
100 necessary, it shall articulate for the record the specific reasons why
101 such person and society would not benefit from such person receiving
102 a period of community supervision."